

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KAZUKO ISHIGUMA WATSON,

Plaintiff,

v.

UNITED AIRLINES, INC.,

Defendant.

CASE NO. C06-0814RSM

ORDER OF DISMISSAL

This matter comes before the Court on defendant's motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. (Dkt. #2). On April 26, 2006, plaintiff filed the instant lawsuit in King County Superior Court, alleging negligence and claiming damages arising from an incident in which hot tea was spilled on her lap during an international United Airlines flight between the United States and Japan.¹ (Dkt. #1, Ex. A). Defendant has filed a motion to dismiss, asserting that plaintiff's common law negligence claim is preempted by the Montreal Convention of 1999 and is barred by the two-year limitation period. (Dkt. #2). Plaintiff has failed to respond.

Accordingly, having reviewed defendant's Motion to Dismiss, and the remainder of the

¹ The case was removed here on June 12, 2006. (Dkt. #1).

1 record, the Court does hereby find and ORDER:

2 (1) Defendant's Motion to Dismiss (Dkt. #2) is GRANTED, and this case is DISMISSED
3 with prejudice. This Court's Local Rules state that "[i]f a party fails to file papers in opposition
4 to a motion, such failure may be considered by the court as an admission that the motion has
5 merit." Local Rule CR 7(b)(2). Having reviewed the record in this case, the Court finds no
6 reason not to apply this rule.

7 (2) The Clerk is directed to forward a copy of this Order to all counsel of record.

8 DATED this 15 day of August, 2006.

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10 RICARDO S. MARTINEZ
11 UNITED STATES DISTRICT JUDGE
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